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*Attorneys for Plaintiff and
Proposed Counsel for the Putative Class*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV12-08309 DMG(JC)

SALLIE CWIK, individually and on
behalf of others similarly situated

Plaintiff,

vs.

HARVEST MANAGEMENT SUB LLC;
and DOES 1 through 50, Inclusive,

Defendants.

CASE NO.

COLLECTIVE ACTION

COMPLAINT FOR:

1. VIOLATION OF FAIR LABOR
STANDARDS ACT (FLSA)

DEMAND FOR JURY TRIAL

Plaintiff SALLIE CWIK (hereinafter referred to as "MS. CWIK" or
"PLAINTIFF"), an individual, on her own behalf and on behalf of similarly situated
parties, complains and alleges as follows:

JURISDICTION AND VENUE

1. This Court has federal question jurisdiction over this action pursuant to
U.S.C. § 1331 and Section 16(b) of the Fair Labor Standards Act ("FLSA"), 29 U.S.C.
§ 216(b).

2. This Court is empowered to issue a declaratory judgment pursuant to 28

1 U.S.C. §§ 2201 and 2202.

2 3. The Central District of California has personal jurisdiction over
3 HARVEST MANAGEMENT SUB, LLC (hereinafter referred to as "HARVEST")
4 because HARVEST is a limited liability company conducting substantial, continuous
5 and systematic business throughout the State of California, including in this District,
6 and because many of the acts complained of and giving rise to the claims alleged
7 occurred in California.

8 4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c)
9 because HARVEST resides in this District.

10 *SUMMARY OF CLAIMS*

11 5. Plaintiff, MS. CWIK was employed by HARVEST from October 25, 2010
12 to approximately January 30, 2010 as a live-in "Community Co-Manager" at
13 HARVEST'S Hermitage, Pennsylvania senior retirement community commonly
14 referred to as Whispering Oaks. Her duties as a "Community Co-Manager" included
15 opening the retirement community to other employees each morning at 6:30 a.m.,
16 assisting kitchen personnel and wait staff in serving breakfast to residents, assisting the
17 kitchen staff in preparation and service of three meals a day as necessary, cleaning the
18 kitchen and dining room as necessary, assisting in maintenance activities, assisting
19 cleaning crews and housekeeping staff, handling emergency calls, and performing on-
20 site and off-site marketing of the retirement community to generate more occupants.
21 Co-Managers continue working until the retirement community closes at 7:00 p.m. or
22 later depending on resident activities and then are "on call" until 11:00 a.m. the
23 following day to tend to residents that have after-hours emergencies. Co-Managers
24 may be called after-hours to tend to elderly residents due to medical emergencies, or to
25 simply handle emergency facility maintenance issues. MS. CWIK and other Co-
26 Managers working for HARVEST were and/or are misclassified by HARVEST as
27 salaried executive, administrative and/or professional employees and thereby
28

1 improperly treated as exempt from the provisions of federal law governing employees
2 including the FLSA as described below.

3 6. Plaintiff, MS. CWIK was employed by HARVEST from approximately
4 January 30, 2011 to December of 2011 as a live-in "Community Manager" first at
5 HARVEST'S Hermitage, Pennsylvania senior retirement community commonly
6 referred to as Whispering Oaks and then at HARVEST'S Erie, Pennsylvania senior
7 retirement community commonly referred to as Niagara Village. Her duties as a
8 "Community Manager" were substantially similar to her duties as "Community Co-
9 Manager." MS. CWIK and other "Community Managers" working for HARVEST
10 were and/or are misclassified by HARVEST as salaried executive, administrative
11 and/or professional employees and thereby improperly treated as exempt from the
12 provisions of federal law governing employees including the FLSA, as described
13 below.

14 7. Plaintiff brings this action on behalf of herself and all persons who were,
15 are, or will be employed by HARVEST nationwide as "Community Co-Managers" at
16 any time within the three years prior to the filing of this Complaint through the date of
17 the final disposition of this action (the "Nationwide FLSA Period"), and who were, are,
18 or will be misclassified by HARVEST as salaried executive, administrative and/or
19 professional employees and thereby treated as exempt from requirements for employees
20 under federal law, including minimum wage and overtime compensation. This group is
21 hereinafter referred to as the "CO-MANAGER NATIONWIDE FLSA COLLECTIVE
22 PLAINTIFFS."

23 8. Plaintiff brings this action on behalf of herself and all persons who were,
24 are, or will be employed by HARVEST nationwide as "Community Managers" at any
25 time within the three years prior to the filing of this Complaint through the date of the
26 final disposition of this action (the "Nationwide FLSA Period"), and who were, are, or
27 will be misclassified by HARVEST as salaried executive, administrative and/or
28 professional employees and thereby treated as exempt from requirements for employees

1 under federal law, including minimum wage and overtime compensation. This group is
 2 hereinafter referred to as the "MANAGER NATIONWIDE FLSA COLLECTIVE
 3 PLAINTIFFS."

4 9. HARVEST unlawfully classifies Plaintiff, the CO-MANAGER
 5 NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and the MANAGER
 6 NATIONWIDE FLSA COLLECTIVE PLAINTIFFS as salaried executive,
 7 administrative and/or professional employees and thereby treat them as exempt from
 8 minimum wage and overtime payments required under federal law, despite the fact that
 9 they do not meet the requirements of the salaried executive, administrative and
 10 professional employee exemption and are therefore not exempt from such requirements.
 11 Plaintiff, the CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS,
 12 and the MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS worked
 13 hours for which they were not paid minimum wage, worked overtime hours, as defined
 14 by applicable federal laws, and are and have been entitled to lawful compensation for
 15 all hours worked, including premium compensation at one and one-half times the
 16 regular hourly rate for overtime hours ("overtime compensation"). HARVEST
 17 designed a uniform, nationwide scheme at the corporate level whereby it improperly
 18 classified Plaintiff, the MANAGER NATIONWIDE FLSA COLLECTIVE
 19 PLAINTIFFS, and CO-MANAGER NATIONWIDE FLSA COLLECTIVE
 20 PLAINTIFFS as exempt and paid them a set salary to avoid paying them substantial
 21 overtime compensation. This scheme resulted in underpayments to Plaintiff, the CO-
 22 MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS, and MANAGER
 23 NATIONWIDE FLSA COLLECTIVE PLAINTIFFS. HARVEST has willfully refused
 24 to pay Plaintiff, CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS,
 25 and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS, the required
 26 lawful minimum wage and/or overtime compensation for hours worked and has failed
 27 to keep time records as required by law.

28 10. HARVEST'S practices violate the FLSA as pled herein. Plaintiff seeks

injunctive and declaratory relief, compensation at no less than the minimum wage and/or that which other similarly qualified employees were being compensated over the time period, overtime compensation for all overtime work required, suffered, or permitted by HARVEST, liquidated and/or other damages and penalties as permitted by applicable law, interest, and attorneys' fees and costs.

THE PARTIES

11. Plaintiff MS. CWIK is an individual who, at all times relevant hereto, was employed by HARVEST in Erie and Hermitage, Pennsylvania, from October 25, 2010 to approximately December of 2011. MS. CWIK worked for HARVEST in both a CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS position and a MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS position during the Nationwide FLSA Period. MS. CWIK worked hours in excess of forty hours per week without receiving proper payments for hours worked, including times when she did not receive the lawful minimum wage or that amount which other similarly qualified employees of HARVEST were being compensated during the time period for similar work, and/or overtime compensation for hours worked, as required by federal law.

12. Plaintiff consents to sue for violations of the FLSA, pursuant to 29 U.S.C. §216(b) and 256.

13. Defendant HARVEST MANAGEMENT SUB LLC ("HARVEST") is a limited liability company organized and existing pursuant to the laws of the State of Delaware. HARVEST regularly and systematically injects itself into the commerce stream and does substantial, continuous and systematic business throughout the State of California, including in Los Angeles County. HARVEST is the owner, operator and/or manager of over 300 independent senior living communities throughout the United States operating under the "Holiday Retirement" banner, including at least 35 such facilities in the State of California. HARVEST is the direct employer of both the CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and the

1 MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS. The practices
2 described herein were performed by HARVEST in this district and throughout the
3 United States.

4 14. Plaintiff is ignorant of the true names and capacities of those Defendants
5 sued herein as DOES 1 through 50, and for that reason has sued such Defendants by
6 fictitious names. Plaintiff will seek leave of the Court to amend this Complaint to
7 identify said Defendants when their identities are ascertained.

8 9 *COLLECTIVE ACTION ALLEGATIONS*

10 15. Plaintiff brings the First Claim for Relief for violation of the FLSA as a
11 collective action pursuant to Section 16(b) of the FLSA, 29 U.S.C. § 216(b), on behalf
12 of all CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and
13 MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS.

14 16. Plaintiff, the CO-MANAGER NATIONWIDE FLSA COLLECTIVE
15 PLAINTIFFS and the MANAGER NATIONWIDE FLSA COLLECTIVE
16 PLAINTIFFS are similarly situated in that they have substantially similar job
17 requirements and pay provisions, and are subject to HARVEST'S common practice,
18 policy, or plan of unlawfully characterizing CO-MANAGER NATIONWIDE FLSA
19 COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE
20 PLAINTIFFS as "salaried executive, administrative and/or professional" employees
21 and thereby failing and refusing to pay them minimum wage and overtime
22 compensation in violation of the FLSA.

23 17. The First Claim for Relief for violations of the FLSA may be brought and
24 maintained as an "opt-in" collective action pursuant to § 16(b) of FLSA, 29 U.S.C. §
25 216(b), since the claims of the Plaintiff are similar to the claims of the members of the
26 CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and
27 MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS.

28 18. The names and addresses of the CO-MANAGER NATIONWIDE FLSA

COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS are available from HARVEST'S records. Notice should be provided to the CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS via both first class mail and posting in the offices where they have worked as soon as possible.

FIRST CLAIM FOR RELIEF

(Fair Labor Standards Act, Brought by Plaintiff on Behalf of Herself and the CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS)

19. Plaintiff, on behalf of herself and all CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS, re-alleges and incorporates by reference paragraphs 1 through 18 as if they were set forth again herein.

20. At all relevant times, HARVEST has been, and continues to be, "employers" engaged in interstate "commerce" and/or in the production of "goods" for "commerce," within the meaning of the FLSA, 29 U.S.C. § 203. At all relevant times, HARVEST has employed, and continue to employ, "employee[s]," including Plaintiff, and each of the collective CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS. At all relevant times, HARVEST has had gross operating revenues in excess of \$500,000.

21. Attached hereto as Exhibit 1 is the Consent to Sue form signed by Plaintiff in this action pursuant to § 16(b) of the FLSA, 29 U.S.C. §§ 216(b) and 256. It is likely that other similarly situated individuals will sign consent forms and join as plaintiffs on this claim in the future.

22. The FLSA requires each covered employer, including HARVEST, to compensate all non-exempt employees at the minimum wage for all hours worked, and

1 at a rate of not less than one and one-half times the regular rate of pay for work
2 performed in excess of forty hours in a workweek.

3 23. The CO-MANAGER NATIONWIDE FLSA COLLECTIVE
4 PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS
5 are entitled to be paid at the minimum wage for all hours worked, and are entitled to
6 overtime compensation for all overtime hours worked.

7 24. At all relevant times, HARVEST, pursuant to its policies and practices,
8 failed and refused to pay minimum wage to the CO-MANAGER NATIONWIDE
9 FLSA COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA
10 COLLECTIVE PLAINTIFFS for all hours worked, and failed to pay overtime
11 premiums to the CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS
12 and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS for their hours
13 worked in excess of forty hours per week.

14 25. By failing to compensate Plaintiff, the CO-MANAGER NATIONWIDE
15 FLSA COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA
16 COLLECTIVE PLAINTIFFS at the minimum wage for all hours work and for failing
17 to compensate Plaintiff, the CO-MANAGER NATIONWIDE FLSA COLLECTIVE
18 PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS at
19 a rate not less than one and one-half times the regular rate of pay for work performed in
20 excess of forty hours in a workweek, HARVEST has violated, and continues to violate,
21 the FLSA, 29 U.S.C. § 201 et seq., including 29 U.S.C. §§ 206, 207(a)(1) and § 215(a).

22 26. By failing to record, report, and/or preserve records of hours worked by
23 Plaintiff, the CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS
24 and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS, HARVEST has
25 failed to make, keep, and preserve records with respect to each of its employees
26 sufficient to determine their wages, hours, and other conditions and practice of
27 employment, in violation of the FLSA, 29 U.S.C. § 201 et seq., including 29 U.S.C. §
28 211(c) and § 215(a).

27. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

28. Plaintiff, on behalf of herself, the CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS, seeks recovery of attorneys' fees and costs of action to be paid by HARVEST, as provided by the FLSA, 29 U.S.C. § 216(b).

29. Plaintiff, on behalf of herself, the CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS, seeks damages in the amount of their respective unpaid overtime compensation, liquidated damages as provided by the FLSA, 29 U.S.C. § 216(b), interest, and such other legal and equitable relief as the Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff on behalf of herself and all members of the Nationwide FLSA Class, prays for relief as follows:

A. Designation of this action as a collective action on behalf of the CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS (asserting FLSA claims) and prompt issuance of notice pursuant to 29 U.S.C. § 216(b) to all similarly situated members of the FLSA Opt-In Class, apprising them of the pendency of this action, and permitting them to assert timely FLSA claims in this action by filing individual Consent to Sue forms pursuant to 29 U.S.C. § 216(b);

B. Designation of Plaintiff as Representative of the CO-MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS and MANAGER NATIONWIDE FLSA COLLECTIVE PLAINTIFFS;

C. A declaratory judgment that the practices complained of herein are unlawful under the FLSA;

D. An award of damages, according to proof, including liquidated damages,

1 to be paid by HARVEST;

2 E. Costs of action incurred herein, including expert fees;

3 F. Attorneys' fees, including fees pursuant to 29 U.S.C. § 216;

4 G. Post-Judgment interest, as provided by law; and

5 H. Such other legal equitable relief as this Court deems necessary, just, and
6 proper.

7 DATED: September 26, 2012

GARCIA, ARTIGLIERE & SCHADRACK

8
9
10 By: 

11 Stephen M. Garcia

12 sgarcia@lawgarcia.com

13 David M. Medby

14 dmedby@lawgarcia.com

15 One World Trade Center, Suite 1950

16 Long Beach, CA 90831

17 (562) 216-5270

18 Attorneys for Plaintiff

19 **DEMAND FOR JURY TRIAL**

20 Plaintiffs hereby demand a trial by jury.

21 DATED: September 26, 2012

GARCIA, ARTIGLIERE & SCHADRACK

22
23 By: 

24 Stephen M. Garcia

25 sgarcia@lawgarcia.com

26 David M. Medby

27 dmedby@lawgarcia.com

28 One World Trade Center, Suite 1950

Long Beach, CA 90831

(562) 216-5270

Attorneys for Plaintiff

EXHIBIT

1

CONSENT TO JOIN AND SUE FORM

Consent to Sue under the Fair Labor Standards Act (FLSA)

I, Sallie Cwik, was an employee of Harvest Management Sub LLC (Harvest) beginning in October, 2010.

I have read and approve the complaint in *Cwik v. Fortress Investment Group, LLC, et al.* and consent to and choose to participate in the FLSA collective action set forth therein.

I choose to be represented in this matter by the named plaintiff and counsel (Garcia, Artigliere & Schadrack) in this action.


Sallie Cwik

21 day of September, 2012

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Dolly Gee and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

CV12- 8309 DMG (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

David M. Medoy, SBN 227401
 Garcia, Artigliere & Schadrack
 1 World Trade Center, Ste. 1950
 Long Beach, CA 90831-1950

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

Sallie Cwik, individually and on behalf of others
 similarly situated

PLAINTIFF(S)

v.

Harvest Management Sub LLC; and DOES 1 through
 50, Inclusive,

DEFENDANT(S).

CASE NUMBER

CV12-08309

DMG(JC)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Garcia, Artigliere & Schadrack, whose address is 1 World Trade Center, Ste. 1950, Long Beach, CA 90831-1950. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

SEP 26 2012

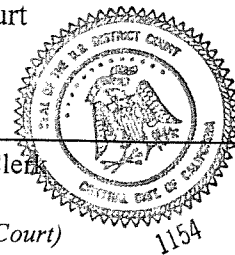
Dated: _____

Clerk, U.S. District Court

JULIE PRADO

By: _____
 Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Cwik, Sallie individually and on behalf of others similarly situated	DEFENDANTS Harvest Management Sub LLC
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Garcia, Artigliere & Schadrack One World Trade Center, Suite 1950 Long Beach, CA 90831 (562) 216 5270	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:33%; border: none;"></td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none;"><input type="checkbox"/> 4</td> <td style="border: none;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none;"><input type="checkbox"/> 5</td> <td style="border: none;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none;"><input type="checkbox"/> 6</td> <td style="border: none;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ In excess of \$5 million

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Violation of Fair Labor Standards Act (29 U.S.C. section 216(b)) through misclassification of employees as exempt from overtime and minimum wage requirements.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input checked="" type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV12-08309

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
If yes, list case number(s): _____

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Maryland

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PROPER):  Date September 26, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))